RM-11306

Federal Communications Commission
Washington, D.C. 20554

April 3, 2007

FILED/ACCEPTED
APR - 6 2007
Federal Communications Commission
Office of the Secretary

DOCKET FILE COPY ORIGINAL

Mr. Howard Teller
335 Plantation View Lane
Mount Pleasant, SC 29464

Dear Mr. Teller:

On December 30,2005, we received a Petition for Rule Making (Petition) from you. In summary, the Petition asks the Commission to amend the amateur service rules (Part 97) to remove the authorization for an amateur station to be automatically controlled while transmitting a RTTY or data emission on certain amateur service frequencies. Specifically, the Petition requests that we amend Part 97 by deleting Section 97.221(c), 47 C.F.R. § 97.221(c). Currently, this section permits an amateur station to be automatically controlled while transmitting a RTTY or data emission on any frequency authorized for these emission types provided that the station is (1) responding to interrogation by a station under local or remote control and (2) that no transmission from the automatically controlled station occupies a bandwidth of more than 500 Hz.

On November 14,2005, the American Radio Relay League, Jnc. (ARRL) filed RM-11306, a petition for rule making that among other things, requested that Section 97.221(c) be amended to delete the requirement that an automatically controlled digital station be responding to interrogation by a station under local or remote control (the 500 Hz bandwidth limitation was requested to be. moved to Section 97.305 of the rules.) Comments on this Petition were due by February 5,2006. Over 800 comments were received and many of them expressed the same concern about interference from automatically controlled digital stations that you express in your Petition.

Because your Petition was filed after RM-11306 was received and addresses a rule the ARRL requested be changed in RM-11306, we believe that substantively, your Petition is a counter-proposal to RM-11306. For this reason, we find that the request in your Petition would be better addressed as a timely filed comment to RM-I 1306 rather than as a separate petition for rule making. Therefore, we will place a copy of your Petition and this letter in the Electronic Comment Filing System as a comment in RM-11306.

Sincerely,

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

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Before the
Federal Communications Commission
Washington, D.C. 20054

In the Matter of	)	
	)	RM-_____
AMENDMENT OF PART 97 OF TEE	)	
COMMISSION'S RULES GOVERNING	)	
THE AMATEUR RADIO SERVICE TO	)	
RESCIND 97.221 Subpart C	)	

To: The Chief, Wireless Telecommunications Bureau
VIA OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Howard Teller, Amateur Radio Operator, KH6TY, hereby respectfully requests that the Commission issue at an early date a Notice *of* Proposed Rule Making, rescinding Part 97.221 Subpart C, *of* the rules governing the Amateur Radio Service.

Background

On July 1, 1995, the Commission, upon recommendation of the American Radio Relay League (ARRL), enacted Part 97.221 of the regulations, permitting fully automatic operation of digital stations on the high frequency (HF) bands for the first time.

This ruling permitted an automatically controlled digital station (robot), scanning a range of frequencies, to

automatically detect and connect with a manually controlled remote station that is transmitting the robot's callsign, for the purpose of transferring email, weather reports, position reports, and bulletins, to and from the Internet. At that time, there was great concern expressed by the Commissioners about potentially increased interference (PR Docket. No. 94-59), because automatic stations have no control operator present to listen for activity on the frequency before transmittiny. Therefore, the Commissioners required the operator of the station remotely connected to the automatic station to prevent the automatic station from causing interference. It was not specified how this was to be accomplished, but the Commissioners stated, "We also are confident in the ability of the amateur service community to respond, as it has in the past, to the challenge of minimizing interference with novel technical and operational approaches to the use of shared frequency bands". The Commissioners also allocated suhbands for the operation of two automatic stations to talk with each other, where there are no listening control operators present at all. Operation outside of the subbands was also permitted as lonq as the automatic station was under "interrogation" by a station under manual control of an operator at the control point, whose responsibility was to prevent interference to others, and this was established by Subpart C of Part

97-221.

The ARKL (American Radio Relay League), in their comments to the FCC filed October 3, 1994, PR Docket 94-59, supporting adoption of Part 97.221, argued that "should the enactment of the rules as proposed lead to a significantly increased enforcement burden for the Commission, automatic control could in the future be curtailed". The ARRL also further commented that, "Nor should anyone be permitted to believe that the authorization of automatic control in any configuration confers on the control operator a sense of entitlement, ownership, or proprietary interest in the use of a given frequency merely by past operation of an automatically controlled digital station on a given frequency, or the right to usurp that frequency for long periods of time, to the detriment of other amateurs."

Negative impact of the enactment of Subpart C of Part 97.221

Interference to traditional person-to-person amateur radio communications by unattended automatically controlled digital stations is at an all-time high.

The unattended automatically controlled digital stations publish the only frequencies where they will respond to a call, and they then respond automatically to any station calling them on one of those frequencies, regardless of any other activity, local to the robot station, already using

the frequency, giving rise to the inescapable presumption that the automatically controlled digital station "owns", or has a proprietary interest in, the use of the published frequency at will.

This should be distinguished from a published **"Net"** frequency, which is a sinqle frequency used by a multitude of stations for the purpose of exchanging information.

No novel approaches to minimizing interference have been developed

Instead of "minimizing interference with novel technical and operational approaches to the use of shared frequency hands", as anticipated by the Commissioners in 1995, the robot stations have, instead, adopted a protocol in which both the robot station and the remote station continuously retransmit data until they successfully overpower any other station using the frequency, or automatically shift to an alternate published frequency and again continuously retransmit data until they successfully overpower any other station using the alternate frequency, making it impossible for any station already using the frequency to continue communicating. Instead of sharing the frequency with others, the robot and remote stations simply, and consistently, dominate a trequency at will with their chosen protocol. The robot station is inherently incapable of receiving, or

acting upon, notification that the frequency is already in use, and the behavior of the remote stations consistently demonstrate total indifference to the frequency already being in use. As a result, the behavior of stations, presumably under manual control, is indistinguishable from a station under fully automatic control.

Instead of electing to cluster together in a contiguous portion of each amateur band, where others can avoid them, the robot stations have spread their published scan frequencies over the entire allowed region of each high frequency amateur band, resulting in unpredictable and random interference to ail other stations attempting to communicate anywhere near the frequencies used by the robot stations, and makiny it impossible for others to know where they can operate without constant interference from the robot stations or their remote clients.

Proposed rule change

Rescind Part 97.221, Subpart C, as the current 97.221, **Subpart** B, subbands are sufficient to reasonably accommodate the activities of the automatically controlled digital stations and their remote clients, which coilectively currently represent significantly less than one percent of all FCC licensed radio amateurs.

Effects of proposed rule change

The current historically high level of interference to all others by automatically controlled digital stations, and by their remote clients, whether under control of an operator at the control point., or under automatic control by software, will be eliminated.

'The ability of the networks of automatically controlled digital stations to function will not be impaired, and all other users of the spectrum will know where the automatically controlled digital stations will **he** operating so tney can easily avoid them.

The reason that the ability of the networks of automatically controlled digital stations to function will not be impaired is that the automatically controlled digital stations are only used for email "messaging" in delayed time (a function similar *to* a telephone answering machine), and not for normal zeal time communications between persons. The time delay hetweeri the leaving of a message and its ultimate retrieval is always many minutes or even hours. Therefore, a single frequency can be shared by two or more automatically controlled digital stations by just waiting a few minutes ror a frequency to become **clear**, greatly reducing the amount of spectrum needed by the automatically controlled diqitai stations, and allowing them to function effectively within the current. Part 97.221 subbands, without any noticeable

delay in message receipt

Respectfully,

Howard Teller

Amateur Radio Operator, KH6TY

335 Plantation View Lane

Mount Pieasant. South Carolina 29464

December 26, 2005